

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

**PAUL L. MURPHY,**  
**Plaintiff**

**V.**

**File No. 1:04-CV-71**

**CORRECTIONAL MEDICAL  
SERVICES, CATHY BEAN,  
NURSE JIM, DR. KOZUB,  
DR. KUTLER, NURSE LENA,  
NURSE PATTY, NURSE MANAGER  
SHARON, DR. BIRGE,  
Defendants**

## ORDER

The Magistrate Judge's Report and Recommendation was filed January 31, 2006 (Doc. 143). After de novo review and absent timely objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The defendants' motion for summary judgment (Doc. 112) is GRANTED and the case is hereby DISMISSED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 15<sup>th</sup> day of February,  
2006.

/s/ J. Garvan Murtha  
J. Garvan Murtha  
United States District Judge